

HOUSE BILL REPORT

ESSB 5171

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to enhancing school safety through information sharing between schools and juvenile justice and care agencies.

Brief Description: Enhancing school safety through information sharing between schools and juvenile justice and care agencies.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Rockefeller, Rasmussen, Shin, Schoesler, Delvin and McAuliffe).

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 3/18/05, 3/25/05 [DPA].

Brief Summary of Engrossed Substitute Bill
(As Amended by House Committee)

- Requires a school principal to notify law enforcement when the principal has reasonable cause to believe that a person has committed a drug offense or a crime against a person that causes severe injury while on school grounds or at a school sponsored event.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass as amended. Signed by 6 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

In Washington, information that school personnel must share with law enforcement is limited. School personnel must release information under a lawfully issued subpoena and must notify parents and students prior to releasing the information under the subpoena.

If a child is a victim of child abuse or neglect, professional school personnel are required to report the information to law enforcement or to the Department of Social and Health Services under the statutes mandating the reporting of child abuse or neglect.

In addition to these situations requiring release of information, school personnel may exchange information with law enforcement and juvenile court officials to the extent allowed under the Family Education and Privacy Rights Act of 1974 (FERPA). The FERPA does allow the release of information if necessary to protect other students.

Summary of Amended Bill:

The principal of a school must report to law enforcement when the principal has reasonable cause to believe that a person has committed a drug offense or a crime against a person that causes severe injury while on school grounds or at a school sponsored event. The report may be by telephone, in person, or on paper and must be made within 72 hours after the offense occurs.

A liability limitation is created to limit the civil liability of a principal who cooperates in an investigation arising from the report so long as the principal acts in good faith and without gross negligence.

Amended Bill Compared to Engrossed Substitute Bill:

The amended bill removes all references to sanctions that may be imposed by the Superintendent of Public Instruction, as well as removing all references to the crimes of obstructing a law enforcement officer and rendering criminal assistance.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support with concerns) Currently, a complaint could be filed with the Superintendent of Public Instruction.

Testimony Against: There is not a need for this bill. The current Code of Conduct holds principals accountable. There are questions in this bill such as, "does a drug offense require severe injury?" The tone of this bill may end up being distracting and cause more problems than it solves.

Persons Testifying: (In support with concerns) Greg Williamson, Office of Superintendent of Public Instruction.

(Opposed) Barbara Mertens, Washington Association of School Administrators; and Joe Pope, Association of Washington School Principals Safety Advisory.

Persons Signed In To Testify But Not Testifying: None.